

# HOUSE . . . . . No. 2050

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By Mr. Casey of Winchester, petition of Paul C. Casey relative to the revocation of motor vehicle drivers' licenses without a hearing. Transportation.

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## The Commonwealth of Massachusetts

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In the Year Two Thousand and Five.

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### AN ACT AMENDING REVOCATION OF A MOTOR VEHICLE DRIVER'S LICENSE WITHOUT A HEARING.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section 22 of Chapter 90 of the General Laws, as  
2 appearing in the 2002 Official Edition, is hereby amended by  
3 striking out paragraph (c) and substituting therefor the following  
4 paragraph:—

5 If the registrar receives official notice, in any form which the  
6 registrar deems appropriate, including electronic transmissions,  
7 that a resident of the commonwealth or any person licensed to  
8 operate a motor vehicle under the provisions of this chapter has  
9 been convicted in another state or country of a motor vehicle vio-  
10 lation, the registrar shall give the same effect to said conviction  
11 for the purposes of suspension, revocation, limitation or reinstate-  
12 ment of the right to operate a motor vehicle, as if said violation  
13 had occurred in the commonwealth.

14 As used in this section, “motor vehicle violation” shall mean a  
15 violation of law, regulation, by-law, or ordinance, except a viola-  
16 tion related to parking, the nature of which would have been  
17 reported to the registrar pursuant to chapter eighty-nine, ninety,  
18 ninety C, or one hundred and seventy-five, if said violation had  
19 occurred in the commonwealth.

20 If the registrar receives official notice, in any form which the  
21 registrar deems appropriate, including electronic transmissions,  
22 that a resident of the commonwealth, or any person licensed to

23 operate a motor vehicle under the provisions of chapter ninety, or  
24 any applicant therefor has had a license or right to operate sus-  
25 pended or revoked in another state or country, the registrar shall  
26 conduct a hearing at a time and place selected by the registrar to  
27 determine the severity of the offense as to its effect upon the  
28 Commonwealth of Massachusetts. After the hearing if the license,  
29 the registrar shall not issue a license to said person, and if a  
30 license has already been issued the registrar shall immediately  
31 revoke said license. However, if said license or right to operate is  
32 subsequently reinstated by such other state or country, the person  
33 may apply to the registrar for reinstatement of said license in the  
34 commonwealth.

1 SECTION 2. Section 20 of Chapter 90 is hereby amended by  
2 striking out the portion of the fourth paragraph which reads as  
3 follows:—

4 Upon a third or subsequent conviction in the same twelve  
5 month period of a violation of section sixteen or section seventeen  
6 or of a regulation made under section eighteen said violation  
7 having occurred in the same year, the registrar shall forthwith  
8 revoke the license of the person convicted, and no new license  
9 shall be issued to such person for at least thirty days after the date  
10 of such revocation, nor thereafter except in the discretion of the  
11 registrar; and substituting therefor the following:—

12 Upon a third or subsequent conviction in the same twelve  
13 month period of a violation of section sixteen or section seventeen  
14 or of a regulation made under section eighteen said violation  
15 having occurred in the same year, the registrar shall conduct a  
16 hearing to determine the severity of the violations and after the  
17 hearing, if the registrar so determines, the registrar may revoke  
18 the license of the person convicted, and no new license shall be  
19 issued to such person for at least thirty days after the date of such  
20 revocation, nor thereafter except in the discretion of the registrar;.

1 SECTION 3. Section 22 of Chapter 90 is amended by striking  
2 out paragraph (a) and substituting therefor the following:—

3 Section 22. (a) The registrar may suspend or revoke, after a  
4 hearing, which hearing shall be held at the time and place desig-  
5 nated by the Registrar, any certificate of registration or any

6 license issued under this chapter whenever the holder thereof has  
7 committed a violation of the motor vehicle laws of a nature which  
8 would give the registrar reason to believe that continuing opera-  
9 tion by such holder is and will be so seriously improper as to con-  
10 stitute an immediate threat to public safety. If it is decided after  
11 hearing that suspension and revocation is justified the registrar  
12 shall forthwith send written notice thereof to licensee or registrant  
13 as the case may be. The registrar may order the license of such  
14 operator or the registration certificate and number plates to be  
15 delivered to him; and neither the certificate of registration nor the  
16 license shall be reissued unless, upon examination or investiga-  
17 tion, or after another hearing, the registrar determines that the  
18 operator shall be again permitted to operate. The registrar, under  
19 the same conditions, and for the same cause, may also suspend the  
20 right of any person to operate motor vehicles in the common-  
21 wealth under section ten until he shall have received a license  
22 from the registrar or until his right to operate has been restored by  
23 the registrar.